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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,518	05/11/2005	Daniel Thomas de Sausmarez Lintell	P33148USw	5100

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EXAMINER

WHITAKER, LATRICE CHENELL

ART UNIT	PAPER NUMBER
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4159

NOTIFICATION DATE	DELIVERY MODE
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09/02/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/534,518	Applicant(s) LINTELL, DANIEL THOMAS DE SAUSMAREZ	
	Examiner LATRICE WHITAKER	Art Unit 4159	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/17/06 and 05/11/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 12, 23, 24 and 28 are objected to because of the following informalities: Inconsistent terminology, perforate connection and non-restorable connection are used interchangeably. Appropriate correction is required.

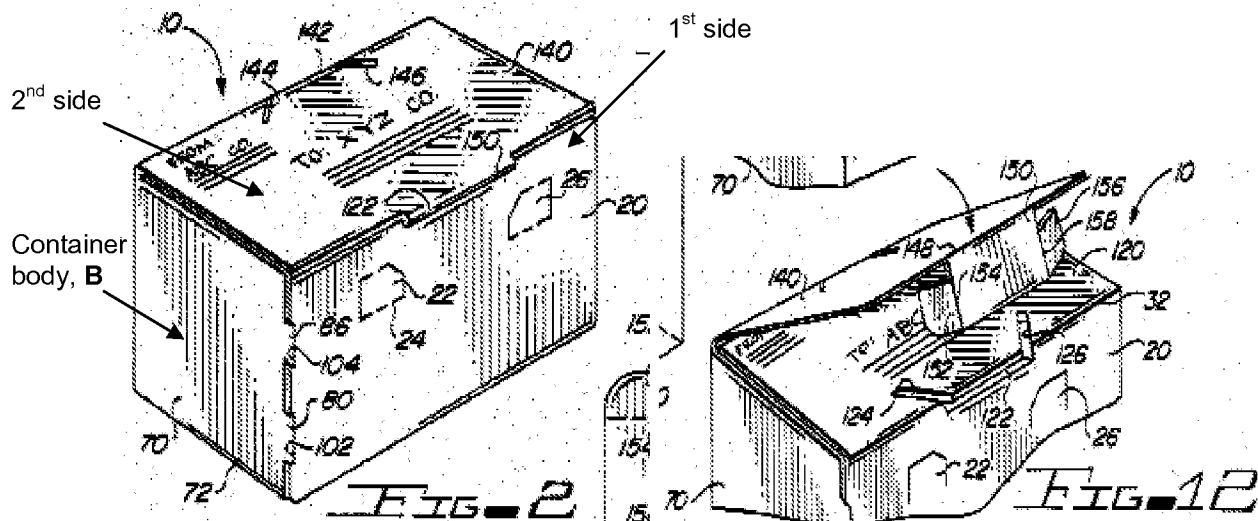
Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 16-20, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Sherman, II et al. (US Patent 4,535,929).



3. In re claim 1, Sherman et al. ('929) discloses a package (10) having a container part (A, fig 2) which defines a cavity (inside of a container (10)) having an opening for

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receiving a product (column 1, line 60), a closure part (140) which is movable from a closed position, in which it closes the opening to the cavity (inside), to an open position in which it opens the opening to the cavity (inside), and an outer surface (120) having an address (as shown on 120 in figure 12 above) thereon which is covered by the closure part (140) in the closed position thereof, wherein the closed position is a first closed position, the closure part has a first configuration in the first closed position and is adapted to be moved from the first configuration to a second configuration in which it is able to adopt a second closed position in which it closes the opening to the cavity, but leaves the address uncovered (column 8, line 13).

4. In re claim 2, Sherman et al. ('929) discloses the closure part (140) is adapted in use to be sequentially moved from the first closed position to the open position in its first configuration and from the open position to the second closed position in its second configuration as shown in figure 12 (column 8, line 13).

5. In re claim 3, Sherman et al. ('929) discloses the closure part (140) has a cover section (top portion of 140) which in the first closed position covers the address and which in the second closed position does not cover the address as shown in figure 12 above (when alternating or interchanging flaps).

6. In re claim 16, Sherman et al. ('929) discloses a package (10) is in the form of a box-like structure (column 3, line 17).

7. In re claim 17, Sherman et al. ('929) discloses a package (10) is made from a board material (column 1, line 13).

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8. In re claim 18, Sherman et al. ('929) discloses a package (10) formed from sheet material (column 1, line 48).

9. In re claim 19, Sherman et al. ('929) discloses a package (10) wherein the closure part (140) has a cover section (top portion of 140) which in the first closed position covers the address and which in the second closed position does not cover the address, and in which the cover section is formed from a first piece of sheet material and the balance of the package is formed from a second piece of sheet material as shown in figure 12 above.

10. In re claim 20, Sherman et al. ('929) discloses a package (10) in which the address is on an outer surface (120) of the container part as shown in figure 12 above.

11. In re claim 29, Sherman et al. ('929) discloses a blank (12) of sheet material dimensioned and arranged to form a package.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

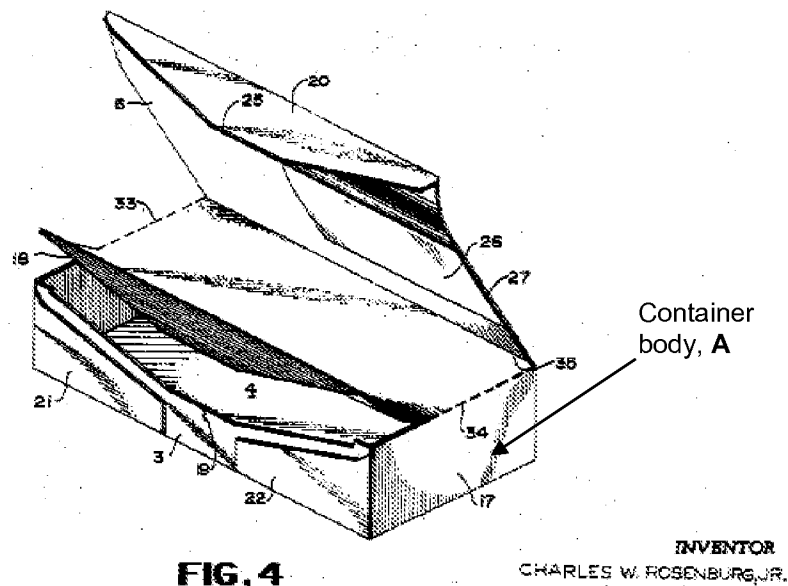


FIG. 4

INVENTOR
CHARLES W. ROSENBERG, JR.

13. Claims 4-15 and 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman, II et al. (US Patent 4,535,929) as applied to claims 1-3, 16-20, and 29 above, and further in view of Rosenberg, Jr. (US Patent 3,591,071).
14. In re claim 4, Rosenberg ('929) discloses a package (1) in which the cover section (14) of the closure is a detachable cover section adapted to be detached from the closure part (7), detachment of the detachable cover section moving the closure part (7) from the first to the second configuration.
15. In re claim 5, Rosenberg ('929) discloses a package (1) in which the closure part (7) has a permanent section (6) which in the first and second closed positions is secured to the container part (**A**, fig 4 above) to close the opening to the cavity (inside).
16. In re claim 6, Rosenberg ('929) discloses a package (1) in which the permanent section (6) is secured to the container part (**A**, fig 4 above) in the open position as shown in figure 4 above.

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17. In re claim 7, Rosenberg ('929) discloses a package (1) wherein in the first closed position the cover section (14) forms an extension of the permanent section (6) (column 2, line 55).

18. In re claim 8, Rosenberg ('929) discloses a package (1) wherein the cover section (14) overlies the permanent section (6) based on the blank in figure 1.

19. In re claim 9, Rosenberg ('929) discloses a package (1) wherein the container part (**A**, fig 4 above) has a plurality of sides of which a first side (3) has the opening to the cavity (inside) and a second side (18) presents the outer surface where the address of Sherman et al. ('929) would be, wherein in the first and second closed positions the permanent section (6) overlies the first side (3) to close the opening and wherein in the first closed position the cover section (14) depends from the permanent section (6) to overlie the address on the second side (18).

20. In re claim 10, Rosenberg ('929) discloses a package (1) in which the cover section (14) of the closure part is detachably affixed to the outer surface of the container part (**A**, fig 4 above) in the first closed position by perforations.

21. In re claim 11, Rosenberg ('929) discloses a package (1) in which the cover section (14) of the closure part (7) is frangibly connected to the outer surface of the container part (**A**, fig 4 above) by perforations in the first closed position as discussed above in paragraph 20.

22. In re claim 12, Rosenberg ('929) discloses a package (1) in which the frangible connection is a perforate connection (35).

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23. In re claim 13, Rosenberg ('929) discloses a package (1) in which the closure part (7) and container part (**A**, fig 4 above) are integrally formed (column 1, line 67).

24. In re claim 14, Rosenberg ('929) discloses a package (1) in which the closure part (7) is hinged to the container part (**A**, fig 4 above) (see claim 11 of Rosenberg ('929)).

25. In re claim 15, Rosenberg ('929) discloses a package (1) of paperboard material. Official Notice is taken that paperboard is a rigid material which is a well-known in the art. It would have been obvious to a person having ordinary skill in the art to use a rigid material to provide strength and durability (see Sherman et al. ('929), column 3, line 26).

26. In re claim 21, Sherman et al. ('929) teaches a package (10) in which the address is on a label affixed to the outer surface of the package (column 1, line 43).

27. In re claim 22, Rosenberg ('929) discloses a package (1) in which the closure part (7) is adapted so as to be unable to return to the first closed position from the open position.

28. In re claim 23, Rosenberg ('929) discloses a package (1) in which the closure part (7) is fixedly connected to the container part (**A**, fig 4 above) in the first closed position through a non-restorable connection (35).

29. In re claim 24, Rosenberg ('929) discloses a package (1) adapted such that the closure part (7) is unable to be move from the first closed position to the open position unless the non-restorable connection (35) is disconnected.

30. In re claim 25, Official Notice is taken that including instructions on a shipping package is a conventional or well-known feature or method for instructing the shipper

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how to reuse the package. Therefore, it would have been obvious to a person having ordinary skill in the art to attach the instructions.

31. In re claim 26, Sherman et al. ('929) discloses a package (10) wherein the closure part (140) has a cover section (top portion of 140) which in the first closed position covers the address and which in the second closed position does not cover the address.

32. Sherman et al. ('929) fails to disclose the cover section of the closure part is a detachable cover section adapted to be detached from the closure part, detachment of the detachable cover section moving the closure part from the first to the second configuration, in which the closure part has a permanent section which in the first and second closed positions is secured to the container part to close the opening to the cavity, and in which the instructions are provided on the permanent section of the closure part.

33. Rosenberg ('929) teaches the cover section (14) of the closure part (7) is a detachable cover section adapted to be detached from the closure part (7), detachment of the detachable cover section (14) moving the closure part (7) from the first to the second configuration, in which the closure part (7) has a permanent section (6) which in the first and second closed positions is secured to the container part (**A**, fig 4 above) to close the opening to the cavity (inside), and in which the instructions are provided on the permanent section (6) of the closure part (7).

34. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the package of Sherman et al. ('929) with the detachable cover

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section (14) of Rosenberg ('929) to permit the package to be reclosed for return shipping.

35. In re claim 27, Rosenberg ('929) discloses a package (1) in which the permanent section (6) of the closure is secured to the container part (**A**, fig 4 above) at a joint (2) about which the closure part (7) is movable relative to the container part (**A**, fig 4) between its respective positions.

36. In re claim 28, Rosenberg ('929) discloses a package (1) in which the closure part (7) is fixedly connected to the container part (**A**, fig 4 above) in the first closed position through a non-restorable connection (35) which, until disconnected, prevents the closure part (7) moving about the joint.

Conclusion

37. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Perkins (US Patent 4,765,485), Mosley (US Patent 5,743,426), and Dickinson et al. (US Patent 7,013,589) all disclose packages with labeling and shipping instructions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LATRICE WHITAKER whose telephone number is (571)270-5703. The examiner can normally be reached on Mon-Thu 7am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quang Van can be reached on 571-272-4789. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Latrice Whitaker
Examiner
Art Unit 4159

/Quang T Van/
Primary Examiner, Art Unit 3742
August 26, 2008